WITNESS AND EXHIBIT LIST

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS			
VICTORIA DIVISION			
Main Case No:21-60025 Name of Debtor: Arthur J. Brass			
Adversary Case No. 21-06006	Style of Adversary: Vitol Inc. v. Brass		
Witnesses:			
Arthur Brass	Judge: Lopez		
Vitol Corporate Representative(s)			
Rebuttal/Impeachment Witnesses			
Trial Date: August 30, 2022 – August 31, 2			
	Hearing Time: 9:00 am		
	Party's Name: Debtor – Arthur J. Brass		
	Attorney's Name: Miriam Goott and Johnie		
	Patterson		
	Attorney's Phone: 713.956.5577		
Nature of Proceeding: Trial Objection			
Dischargeability of Debt			

EXHIBITS

		HIBITS	T		
Ex.	Description	Offered	Objection	Admitted/	Disposition
#				Not	
				Admitted	
1	5-18-15 Email early JV talk				
2	5-3-17 Kuo email to Bake				
3	6-26-17 Email re JV Business				
4	7-13-17 Emails re Gravity (Barth)				
5	7-13-17 Emails re Gravity (Kuo)				
6	7-25-17 Email Fay to Kuo (why				
	NEWCO)				
7	7-25-17 Email string Newco personnel				
	and costs				
8	7-31-17 Bake Email (regrets)				
9	7-31-17 Email re Chris Bake				
10	7-31-17 Email re GCAC Telcon				
11	8-8-17 Email re Personnel Costs				
12	8-10-17 Barth email				
13	8-17-17 Emails re Nick Fay rebukes Kuo				
14	8-21-17 Jason Email re Interim				
	Financing				
15	9-27-17 Chris Bake email				
16	10-13-17 Dan Sargent Email				
17	Bake and Fay emails				
18	Email for Vitol_72920				
19	Email for Vitol_74289				
20	Email for Vitol 76284				
21	April 2018 Settlement Communication				

22	©1 2M alacate		
22	\$1.2M check		
23	Kuo Text Messages		
24	Rio JSMA Fully Executed		
25	Redline - Vitol JSMA NewCo Draft Jun		
26	20 2017 Sent to Vitol Jun 20 2017 a		
26	Copy of FULLER000005 (Native To Be		
	Utilized)		
27	Copy of VITOL_00072105 (Native To		
20	Be Utilized)		
28	Copy of VITOL_00072920 (Native To		
•	Be Utilized)		
29	Copy of VITOL_00074289 (Native To		
	Be Utilized)		
30	Copy of VITOL_00076284 (Native To		
	Be Utilized)		
31	Fuller Report		
32	Rebuttal Report of Bob Broxson (rec'd		
	03.23.20)		
33	Settlement Agreement		
34	First Amended Complaint		
35	Response To MSJ		
36	Vitol Inc.'s Amended Emergency		
	Motion For Leave		
37	Initial Disclosures - Vitol		
38	Vitol Responses to RFP		
39	Vitol Responses to Rogs		
40	Vitol's Responses to RFA		
41	Rio-Vitol Assignment Agreement		
42	Goldstein, Jason - full (taken 05.16.19)		
43	Goldstein, Jason Exhibits 18-29 (taken		
	05.16.19)		
44	Perugini, Patrick - condensed (taken		
	06.29.2018)		
45	Perugini, Patrick Ex 11-17 (taken		
	06.29.18)		
46	Brass, Arthur - full (taken 06.28.18)		
47	Brass, Arthur Exhibits 1-10 (taken		
	06.28.18)		
48	Adversary Docket		
49	Bankruptcy Docket		
	Rebuttal/Impeachment Exhibits		
1			
2			
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8			
9			
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Message

From: Sent: Eric Kuo [ejk@Vitol.com] 5/18/2015 6:33:40 PM

To:

Rob James [rwj@Vitol.com] Steve Barth [SZB@Vitol.com]

CC: Subject:

RE: GCAC

Will do for sure. Ball is in their court right now.

From: Rob James

Sent: Monday, May 18, 2015 01:33 PM

To: Eric Kuo Cc: Steve Barth Subject: RE: GCAC

Ok—figured as much. Let me know when you (in conjunction with them) are ready to engage in the JV documentation. That process can take a little while as well, and it's much less transparent of a stall technique!

From: Eric Kuo

Sent: Monday, May 18, 2015 01:26 PM

To: Rob James Cc: Steve Barth Subject: RE: GCAC

Just waiting on some figures from them, Mike wants to proceed slowly anyways so not pushing them. But yes, we still want to move forward.

From: Rob James

Sent: Monday, May 18, 2015 01:23 PM

To: Eric Kuo
Cc: Steve Barth
Subject: GCAC

Any new movement on this front? Are we still thinking of putting the JV in place?

Rob James

Vitol Inc

1100 Louisiana, Suite 5500 Houston, TX, 77002

T: +1 713-230-1364 M: +1 713-203-1641 E: rwj@vitol.com



From: Eric Kuo

Sent: 03 May 2017 23:22

To: Chris Bake Cc: Mike Loya

Subject: USGC Asphalt

Hi Chris,

I spoke with Mike briefly this afternoon about an Asphalt opportunity that has resurfaced again after a couple years. As you may remember, we spoke about this venture a couple years ago but with the Sargeant acquisition we tabled the discussion and GCAC partnered with Rio Energy. In short, Rio's management are keen on getting out of the business due to the risk associated with Asphalt pricing and its lack of a hedging mechanism and are trying to sell their interest. This currently involves the blending of vtb's to finished spec in both Corpus and Mobile along with a take or pay rack system in CC. This would proceed even without the purchase of the Gravity refinery.

I am interested in this for a couple reasons:

Highly Confidential VITOL 00072209

It would give us more exposure to the vtb market into fuel oil when asphalt is weak or out of season. The Coker feed market will at times be stronger than asphalt and we currently try and supply this market. With the 2020 0.5%5 bunkers there could be an interesting opportunity buying low sulfur fuel or st run from FHR. Corpus and supplying their coker with vtb's

PNL wise they think this is a \$5-ISM a yr business with interesting optionality especially with the closure of the Axion refinery on the East Coast.

Happy to discuss this further and go through numbers but I think this is something Vital as a company should take a good look at.

Thanks, Eric

----Original Message----

From: Eric Kuo

Sent: Monday, June 26, 2017 08:54 PM
To: Doug Huth; Tom Moran; Alexander Caldin

Cc: AJ Brass

Subject: Credit with new asphalt counterparts

Gentleman,

We are entering into a JV with GCAC doing business in the wholesale and retail asphalt space. AJ Brass (in copy) is our main point of contact with GCAC and he is currently looking to vet a counterpart for a promptish sale. Can you please assist him with this?

FYI, we plan on having this JV signed for July 1.

Thanks, Eric

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From: Steve Barth [mailto:SZB@Vitol.com]
Sent: Thursday, July 13, 2017 10:03 AM

To: Eric Kuo <ejk@Vitol.com>

Cc: Arthur Brass <aj@abrass.com>; Kale Krhovjak <kale@rioenergy.com>; Jason Goldstein

<jgoldstein@gcachouston.com>

Subject: Re: Gravity

Probably better than letting them find out through the market.

Sent from my iPhone

On Jul 13, 2017, at 9:52 AM, Eric Kuo <ejk@Vitol.com> wrote:

I thought we were going to notify them of the transfer of counterparts? No reason not to approach them that I can see

From: Arthur Brass [mailto:aj@abrass.com]
Sent: Thursday, July 13, 2017 09:51 AM

To: Kale; Steve Barth; Eric Kuo

Cc: Jason Goldstein **Subject:** Gravity

Is there any reason you guys see the that we shouldn't let gravity know (even if just informally) that Vitol is taking Rio's place?

It's going to get into the market and I think we'd rather they heard about it from us.

AJ

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From

Arthur Brass

Sent:

Thursday, July 13, 2017 9:54 AM CDT

CC:

Eric Kuo; Kale Krhovjak; Steve Barth Jason Goldstein

Subject:

Re: Gravity

Agreed. We will certainly do that formally in writing.

I just thought a verbal heads up would be appreciated so they don't hear it from someone else first and not know what's going on.

Get Outlook for iOS

From: Eric Kuo

Sent: Thursday, July 13, 2017 10:52:18 AM

To: Arthur Brass; Kale; Steve Barth

Cc: Jason Goldstein
Subject: RE: Gravity

I thought we were going to notify them of the transfer of counterparts? No reason not to approach them

that I can see

From: Arthur Brass [mailto:aj@abrass.com]
Sent: Thursday, July 13, 2017 09:51 AM

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Cc: Jason Goldstein Subject: Gravity

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From:

Steve Barth

Sent:

Thursday, July 13, 2017 10:03 AM CDT

To:

Eric Kuo

CC:

Arthur Brass; Kale; Jason Goldstein

Subject:

Re: Gravity

Probably better than letting them find out through the market.

Sent from my iPhone

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From: Eric Kuo <eik@Vitol.com>

Sent: Tuesday, July 25, 2017 4:30:54 PM To: Patrick Perugini; Arthur Brass Subject: FW: Newco personnel and

costs

Am having a call with these guys tmrw. Anything you want to add here?

From: Nick Fay

Sent: Tuesday, July 25, 2017 04:21 PM

To: Eric Kuo; Ernie Kohnke

Cc: Roberto Finocchi; Andy Parsons; Guillaume Quiviger; Daniel Sargeant

Subject: RE: Newco personnel and costs

Eric, We do.

If you want us to give you a view within a reasonable time frame we need everything you have. So far we have zero financial info other than a flat p&l for Rio GCAC since Jan 2015.

How does this thing make money. Why would VIC want to commit to pay \$2m/yr of tankage fees plus half the cost for a 4 man team?

How did you reach the view that this was a deal that added value? It cannot be on the basis of only what you have shared so far.

Maybe we should have a conf call tomorrow am us time?

Confidential VITOL 00002156

On 25 July 20 I 7 at 21:51:40 BST, Eric Kuo <ejk@Vitol.com> wrote:

The newco was merely their suggestion to separate GCAC from their prior businesses and have a clean start to this JV. If it's an issue they would revert back to GCAC.

The costs into the venture are for their 4 people in their organization which are dedicated solely to this venture. Initially, GCAC were to provide all the suppo11 for the business in terms of procurement, blending, marketing and sales. If VALT were to enter into this and add personnel then we would need to revise the contract.

Let me know if you need more detail

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Message

From:

Arthur Brass [aj@abrass.com]

Sent:

7/25/2017 5:05:24 PM

To:

Eric Kuo [ejk@Vitol.com]; Patrick Perugini [pperugini@gcachouston.com]

Subject:

Re: Newco personnel and costs

Sure. I'm on my cell.

Get Outlook for iOS

From: Eric Kuo <ejk@Vitol.com>

Sent: Tuesday, July 25, 2017 4:57:16 PM **To:** Arthur Brass; Patrick Perugini **Subject:** RE: Newco personnel and costs

Need a few..will call in 15m?

From: Arthur Brass [mailto:aj@abrass.com] **Sent:** Tuesday, July 25, 2017 04:54 PM

To: Eric Kuo; Patrick Perugini

Subject: Re: Newco personnel and costs

Have a second for a quick chat?

Get Outlook for iOS

From: Eric Kuo <ejk@Vitol.com>
Sent: Tuesday, July 25, 2017 4:30:54 PM
To: Patrick Perugini; Arthur Brass

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Let me know if you need more detail.

From: Nick Fay

Sent: Tuesday, July 25, 2017 08:39 AM

To: Eric Kuo; Ernie Kohnke

Cc: Roberto Finocchi; Daniel Sargeant; Guillaume Quiviger; Andy Parsons

Subject: RE: Newco personnel and costs

Anything you can share on this Eric?

We are hearing rumours of 4 man team including an Asphalt Trader

From: Nick Fay

Sent: 24 July 2017 15:42 **To:** Eric Kuo; Ernie Kohnke

Cc: Roberto Finocchi; Daniel Sargeant; Guillaume Quiviger

Subject: Newco personnel and costs

Morning Eric and Ernie,

We are trying to get our heads around this deal. We are not clear what the role of the newco is and more importantly what is the cost.

Please can you share whatever you have on this?

Thanks
Nick
Nick Fay
as instructed by VALT SAGL
/\VALT
D. +44 207 973 4280
C. +44 7764 166310
E. nfay@valtasphalt.com
www.valtasphalt.com
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From: Chris Bake

Sent: Monday, July 31, 2017 09:31 AM

To: Eric Kuo; Steve Barth

Cc: Mike Loya

Subject: RE: USGC Asphalt

Thank you both for your time this am.

As agreed we trying to cajole Dan into a discussion with AJ, and find a way forward Aside from having one face to the market as far as Bitumen selling goes,, we have to cross a few other bridges like competing with the likes of Valero on rack sales which precludes us from buying bulk from them for Central America etc... I think that all possible, but there will need to be parameters agreed.

I really regret that when I received your heads up below Eric on the proposition below that I did not go back and discuss more proactively with you the extent of the Vitol involvement on the Bitumen side, anyway we are where we are and we need to try and find a way to make this work.

From: Eric Kuo

Sent: 03 May 2017 23:22

To: Chris Bake **Cc:** Mike Loya

Subject: USGC Asphalt

Hi Chris,

I spoke with Mike briefly this afternoon about an Asphalt opportunity that has resurfaced again after a couple years. As you may remember, we spoke about this venture a couple years ago but with the Sargeant acquisition we tabled the discussion and GCAC partnered with Rio Energy. In short, Rio's management are keen on getting out of the business due to the risk associated with Asphalt pricing and its lack of a hedging mechanism and are trying to sell their interest. This currently involves the blending of vtb's to finished spec in both Corpus and Mobile along with a take or pay rack system in CC. This would proceed even without the purchase of the Gravity refinery.

Message

From:

Eric Kuo [ejk@Vitol.com] 7/31/2017 2:56:21 PM Steve Barth [SZB@Vitol.com]

Sent: To: Subject:

RE: USGC Asphalt

That's what I gathered from his email.

Hopefully we can find an amicable solution for all parties. Hard to imagine we can't...

From: Steve Barth

Sent: Monday, July 31, 2017 09:54 AM

To: Eric Kuo

Subject: FW: USGC Asphalt

Had a brief call with Chris after our con call. His note below is indicative of where he is at this point...wants resolution and fortunately, is basically taking the responsibility for the situation.

From: Chris Bake

Sent: Monday, July 31, 2017 09:31 AM

To: Eric Kuo; Steve Barth

Cc: Mike Loya

Subject: RE: USGC Asphalt

Thank you both for your time this am.

As agreed we trying to cajole Dan into a discussion with AJ, and find a way forward

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Sent: 03 May 2017 23:22

To: Chris Bake Cc: Mike Loya

Subject: USGC Asphalt

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I am interested in this for a couple reasons:

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- It would give us more exposure to the vtb market into fuel oil when asphalt is weak or out of season
- The Coker feed market will at times be stronger than asphalt and we currently try and supply this market
- With the 2020 0.5%S bunkers there could be an interesting opportunity buying low sulfur fuel or st run from FHR Corpus and supplying their coker with vtb's

PNL wise they think this is a \$5-15M a yr business with interesting optionality especially with the closure of the Axion refinery on the East Coast.

Happy to discuss this further and go through numbers but I think this is something Vitol as a company should take a good look at.

Thanks, Eric

Message

Steve Barth [SZB@Vitol.com] From: 7/31/2017 1:30:30 PM Sent:

To: Eric Kuo [ejk@Vitol.com]

Subject: Re: GCAC Telcon. Can we do ealry houston AM?

Yes.

Sent from my iPhone

On Jul 31, 2017, at 8:29 AM, Eric Kuo <ejk@Vitol.com> wrote:

Can you call in?

From: Guillaume Quiviger

Sent: Monday, July 31, 2017 08:28 AM To: Chris Bake; Eric Kuo; Nick Fay

Cc: Steve Barth; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Lets use the following for the call in 5 min.

Participant code: 7286 2592 Guillaume's code: 660 90 308

Number:

UK: 0800 121 4136

Other countries listed below

Country	Toll-free number	International/Local
Belgium	0 80 08 05 91	+32 (0) 22 00 83 40
France	08 05 54 00 41	+33 (0) 1 57 32 35 62
Germany	08006 648877	+49 (0) 6951 709852
Italy	800928319	+39 0291483363
Netherlands	08000292068	+31 (0) 202061578
New Zealand	508046192	+64 (0) 99164968
Norway	80083963	+47 24159930
Saudi Arabia	8008447554	
Singapore	180 0622 1531	+65 6622 1396
South Africa	800167123	+27 (0) 214273062
Switzerland	080 000 14 85	+41 (0) 44 511 83 29
United Arab Emirates	80004417582	
United Kingdom	080 0121 4136	+44 (0) 20 7819 1800
		+44 (0) 84 4335 0993 (Not accessible from all
United Kingdom		non UK service providers)
United States	1866 341 9164	+1 212 444 0587 (East coast)
United States		+1 408 916 9097 (West coast)

From: Chris Bake Sent: 31 July 2017 13:34 To: Eric Kuo; Nick Fay

Cc: Steve Barth; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Shall we say 8.30 CET

From: Eric Kuo

Sent: 31 July 2017 13:25

To: Nick Fay

Cc: Steve Barth; Chris Bake; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: Re: GCAC Telcon. Can we do ealry houston AM?

I'm available at 8:15am CST

On Jul 31, 2017, at 6:35 AM, Nick Fay < nfay@valtasphalt.com > wrote:

Morning Eric and Steve,

Would you both be available for a call early this morning with Chris Bake and our team. As soon after 2pm UK as you can manage would be good as Chris has to leave mid afternoon.

We are considering the following 3 options, with few comments /issues listed below that occur to me.

- 1) <!--[if !supportLists]--><!--[endif]-->How much adaptation of the agreement that you have made do VALT need to make in order to step in and work the JV with VIC fuel and GCAC.
 - a. <!--[if !supportLists]--><!--[endif]-->Would GCAC accept material changes to the agreement
 - b. <!--[if !supportLists]--><!--[endif]-->Newco team would have to change, George Grace or any other asphalt trader cannot be part of it
 - c. <!--[if !supportLists]--><!--[endif]-->What role does AJ intend to play in this JV?
 - d. <!--[if !supportLists]--><!--[endif]-->How does VALT finance the \$10-15m working capital
 - e. <!--[if !supportLists]--><!--[endif]-->Do we have Eric's support to run the fuel side with Roberto looking at Asphalt?
- 2) <!--[if !supportLists]--><!--[endif]-->| f we leave JV to run more or less as proposed can VALT have a preferred or sole offtaker role at a price that's attractive
 - a. <!--[if !supportLists]--><!--[endif]-->What volume and how rateable would that be
 - b. <!--[if !supportLists]--><!--[endif]-->What would price be, formula, last look, other?
 - c. <!--[if !supportLists]--><!--[endif]-->How do we ensure this supply arrangement is collaborative when financial interests of VALT and JV are not aligned.
 - d. <!--[if !supportLists]--><!--[endif]-->How do we manage the presence of the VIC/GCAC JV and VALT in USGC asphalt market wrt other players.

- e. <!--[if !supportLists]--><!--[endif]-->Where does the asphalt P+L of JV go?
- 3) <!--[if !supportLists]--><!--[endif]-->Exit and close the JV completely.
 - a. <!--[if !supportLists]--><!--[endif]-->Is this still an option?.
 - b. <!--[if !supportLists]--><!--[endif]-->What trades have been concluded so far.
 - c. <!--[if !supportLists]--><!--[endif]-->Has any Asphalt been sold yet at rack of FCA by VIC?

Nick Fay
as instructed by VALT SAGL
<image001.png>
D. +44 207 973 4280
C. +44 7764 166310
E. nfay@valtasphalt.com
www.valtasphalt.com

```
Message
```

From: Eric Kuo [ejk@Vitol.com]

Sent: 8/8/2017 7:54:44 PM

To: Bernardette Scambray [bgh@Vitol.com]; Kimmaly Santhavi [kys@Vitol.com]

CC: Lance Abernathy [Ira@Vitol.com]; Jeannette Nguyen [JLN@Vitol.com]; Mike Ruzek [mrr@Vitol.com]

Subject: RE: GCAC storage invoice

On advice from Ernie, we are not going to pay any more invoices from GCAC until we have further notice on direction with VALT.

----Original Message----From: Bernardette Scambray

Sent: Tuesday, August 08, 2017 11:36 AM

To: Kimmaly Santhavi; Eric Kuo

Cc: Lance Abernathy; Jeannette Nguyen; Mike Ruzek; Bernardette Scambray

Subject: RE: GCAC storage invoice

Ok. we will now be paying personnel costs of 106k per month according to Eric. I have budgeted this under OTH in deal 1855791 so please book and pay. Thanks.

----Original Message----From: Kimmaly Santhavi

Sent: Friday, August 04, 2017 02:04 PM To: Bernardette Scambray; Eric Kuo

Cc: Lance Abernathy; Jeannette Nguyen; Mike Ruzek

Subject: RE: GCAC storage invoice

They just called me and will send revised invoices to exclude personnel costs.

----Original Message----From: Bernardette Scambray

Sent: Friday, August 04, 2017 12:37 PM

To: Eric Kuo

Cc: Kimmaly Santhavi; Lance Abernathy; Jeannette Nguyen; Mike Ruzek; Bernardette Scambray

Subject: RE: GCAC storage invoice

Ok so now we should only be paying a total of \$279,210 for July and Aug tank rental. We are not paying the personnel expenses according to the below.

Eric, can you please talk to your contacts and have them send us revised invoices for just tank rental fees and then we will pay. Thanks.

```
----Original Message----
From: Eric Kuo
```

Sent: Friday, August 04, 2017 12:29 PM

To: Bernardette Scambray

Cc: Kimmaly Santhavi; Lance Abernathy; Jeannette Nguyen; Mike Ruzek

Subject: Re: GCAC storage invoice

We shouldn't be paying any personnel expense, just storage costs

> On Aug 4, 2017, at 1:07 PM, Bernardette Scambray
bgh@Vitol.com> wrote:

> These are now budgeted in deal 1855791....under TRE for tank rental fees and under JVC for personnel expenses since this could be reflected as a monthly draw??

> This coding can be changed later if Eric disagrees. For now, we need to pay these today and the total is 492k.

> Thanks.

```
> ----Original Message----
> From: Bernardette Scambray
> Sent: Friday, August 04, 2017 11:53 AM
> To: Eric Kuo
> Cc: Lance Abernathy; Jeannette Nguyen; Kimmaly Santhavi; Mike Ruzek; Bernardette Scambray
> Subject: RE: GCAC storage invoice
> Will do....what is the personnel expense for? I thought this was supposed to be a BTB deal.
> ----Original Message----
> From: Eric Kuo
> Sent: Friday, August 04, 2017 11:51 AM
> To: Bernardette Scambray
> Cc: Lance Abernathy; Jeannette Nguyen; Kimmaly Santhavi
> Subject: Re: GCAC storage invoice
Yes, that is the right amount. Let's pay them today if possible
>> On Aug 4, 2017, at 12:35 PM, Bernardette Scambray <bgh@Vitol.com> wrote:
>>
>> I have invoices of 246k for July tank rental and 246k for august tank rental.
>> Included in this invoice is 140k for actual tank rental at Mobile, Alabama and then another 106k for
July personnel expense. Same amounts apply for August as well.
>> I can't attest to the validity of these invoices. If you give the okay and agree with these amounts,
then we will pay them today. I just don't know what is rightfully due them.
>>
>>
>> The invoices are attached.
>>
>>
>>
>>
>> ----Original Message----
>> From: Eric Kuo
>> Sent: Friday, August 04, 2017 08:54 AM
>> To: Bernardette Scambray; Lance Abernathy
>> Subject: GCAC storage invoice
>> Any idea if this will get paid today?
>> <Untitled.pdf>
```

Message

From: Eric Kuo [ejk@Vitol.com]

Sent: 8/10/2017 2:07:53 PM

To: Steve Barth [SZB@Vitol.com]

Subject: RE: GCAC/VIC/ VALT

Thanks, prob a good call to email him directly.

From: Steve Barth

Sent: Thursday, August 10, 2017 09:07 AM

To: Chris Bake **Cc:** Eric Kuo

Subject: FW: GCAC/VIC/ VALT

Chris,

As I do not know Nick well, and I don't want to get involved in some sort of "food fight" across the pond, I would offer these comments.

As you and I discussed before, there was no intention to do anything to harm Vitol, VALT or any other related party in any way. This looked like a profit opportunity and could be an advantage in an attempt to acquire the terminal. Also, neither Eric nor I thought we were doing anything in conflict with a VALT commitment.

What VALT decides will obviously have an impact here, but there indeed are no agreements signed and any involvement can ultimately be unwound.

Steve



From: Nick Fay <<u>nfav@valtasphalt.com</u>> **Date:** August 10, 2017 at 5:48:39 AM CDT

To: Eric Kuo < ejk@Vitol.com>

Cc: Andy Parsons ajp@VITOL.com>, Chris Bake cpb@Vitol.com>

Subject: GCAC/VIC/ VALT

Eric,

As you know there have been some meetings in Montreal at Al between the teams on tues and weds this week. I am waiting for a full update when Dan gets in tomorrow. However from brief telcon I know the following:

? The forward econs remain unclear, Rio/GCAC have made no money for last 2.5 years, we need to do some more work on that – I asked you and Steve Barth for comment on these on Monday 7th. Pls can you respond

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Message

From: Sent: Eric Kuo [ejk@Vitol.com] 8/17/2017 6:48:39 PM Max Bulk [msb@Vitol.com]

To: Subject:

RE: GCAC/VIC/ VALT

Nope

From: Max Bulk

Sent: Thursday, August 17, 2017 01:48 PM

To: Eric Kuo

Subject: RE: GCAC/VIC/ VALT

Good times.

He ever respond to your last note?

From: Eric Kuo

Sent: Thursday, August 17, 2017 11:29 AM

To: Max Bulk

Subject: FW: GCAC/VIC/ VALT

From: Eric Kuo

Sent: Thursday, August 10, 2017 11:29 AM

To: Nick Fay

Cc: Andy Parsons; Chris Bake; Steve Barth

Subject: FW: GCAC/VIC/ VALT

Nick,

I am a bit taken aback at your comments below and disagree with your characterization of my actions. From the beginning there was never any intention to harm Vitol or VALT but more of a compliment to the fuels business. I'm open to discuss any and all concerns you have. In the end Vitol is following VALT's lead on this deal and is happy to provide US-based support if VALT wants to go forward with GCAC.

From: Nick Fay

Sent: Thursday, August 10, 2017 05:49 AM

To: Eric Kuo

Cc: Andy Parsons; Chris Bake **Subject:** GCAC/VIC/ VALT

Eric.

As you know there have been some meetings in Montreal at AI between the teams on tues and weds this week. I am waiting for a full update when Dan gets in tomorrow. However from brief telcon I know the following:

• The forward econs remain unclear, Rio/GCAC have made no money for last 2.5 years, we need to do some more work on that – I asked you and Steve Barth for comment on these on Monday 7th. Pls can you respond

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- GCAC advise they were specifically instructed by VIC to not discuss this deal with VALT in the deal build up prior July 13th pls explain why
- The whole market is talking about your deal and how it was done behind the back of VALT. It was an uncomfortable AI for the VALT team and esp for Dan.
- GCAC are trying to sell bbls onto the USEC in direct competition with VALT
- At a personal level, you have failed to be straight with me at every stage of this process. On top as the Vitol guy
 in the VALT JV. I have been having to apologise repeatedly as the details of how you have deliberately bypassed
 my team have come to light.
- From the above you can appreciate there is a huge amount of trust internally and externally that needs to be restored to make this a workable deal

We will come back with a final view shortly but as you can see am pessimistic anything profitable or workable can come from this.

As a Vitol shareholder I sincerely hope there will not be damages for VIC on exit as you have repeatedly assured us that no deal was signed.

From: Eric Kuo

Sent: 09 August 2017 22:40

To: Nick Fay

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Nick, have there been any new developments? I'm fielding multiple calls from Rio and GCAC daily with both companies almost getting into panic mode. Not sure if they want to dissolve this all together or not but feels like sometime extreme is going to happen soon. Meaning they will just walk away and do this with another party and VIC will be forced to pay some of the damages.

From: Nick Fay

Sent: Tuesday, August 01, 2017 01:15 PM

To: Eric Kuo

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Ok not sure how to advise you here as whilst we want to make something work it's all down to the people now and that's hard to call.

On 1 August 2017 at 18:34:05 BST, Eric Kuo <ejk@Vitol.com> wrote:

They want us to pay storage invoices, some other misc costs and I'm trying to push them off until we get some clarity on direction.

I think you can def get flow and/or term supply at attractive pricing. That was always the objective.

Nothing from Ai/Patrick, they keep asking me where things stand.

From: Nick Fay

Sent: Tuesday, August 01, 2017 12:23 PM

To: Eric Kuo

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Dan has reached out to AJ and outlined that we see the 3 options below. AJ was very keen to work with VALT to avoid no 3!

We have sent him a list of the info we require and waiting for the output. If we can come out of this with flow at attractive price and limited downside then can see a good outcome. Devil will be in the detail of course with AJ. Dan is in Qatar now and will be in Montreal on Monday and will see AJ and Patrick with Roberto.

What are the loose ends? What are you hearing from AJ/Patrick?

From: Eric Kuo

Sent: 01 August 2017 18:09

To: Nick Fay

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Nick, any idea which way you guys are leaning on this? Bunch of loose ends on our side and looking for some direction from you to decide how we proceed with current items. Thanks

From: Nick Fay

Sent: Monday, July 31, 2017 06:36 AM

To: Eric Kuo; Steve Barth

Cc: Chris Bake; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: GCAC Telcon. Can we do ealry houston AM?

Morning Eric and Steve,

Would you both be available for a call early this morning with Chris Bake and our team. As soon after 2pm UK as you can manage would be good as Chris has to leave mid afternoon.

We are considering the following 3 options, with few comments /issues listed below that occur to me.

- 1. How much adaptation of the agreement that you have made do VALT need to make in order to step in and work the JV with VIC fuel and GCAC.
 - 1. Would GCAC accept material changes to the agreement
 - 2. Newco team would have to change, George Grace or any other asphalt trader cannot be part of it
 - 3. What role does AJ intend to play in this JV?
 - 4. How does VALT finance the \$10-15m working capital
 - 5. Do we have Eric's support to run the fuel side with Roberto looking at Asphalt?
- 2. If we leave JV to run more or less as proposed can VALT have a preferred or sole offtaker role at a price that's attractive
 - 1. What volume and how rateable would that be
 - 2. What would price be, formula, last look, other?
 - 3. How do we ensure this supply arrangement is collaborative when financial interests of VALT and JV are not aligned.
 - 4. How do we manage the presence of the VIC/GCAC JV and VALT in USGC asphalt market wrt other players.
 - 5. Where does the asphalt P+L of JV go?
- 3. Exit and close the JV completely.
 - 1. Is this still an option?.
 - 2. What trades have been concluded so far.
 - 3. Has any Asphalt been sold yet at rack of FCA by VIC?

Nick Fay

as instructed by VALT SAGL

/\VALT

D. +44 207 973 4280

From:

Jason Goldstein

Sent:

Monday, August 21, 2017 4:21 PM CDT

To:

Arthur Brass; Patrick Perugini

Subject: Attachments: Vitol Interim Financing Structure Bullets.docx Vitol Interim Financing Structure Bullets.docx

Here is what I am thinking

Vitol/GCAC Interim Transaction

Rio Energy

- Vitol purchases (becomes loan due from GCAC) Rio interest in GCAC/Rio JSMA for (a) original purchase terms or (b) some up-front amount between \$0.5MM and \$1.75MM TBD
- Vitol agrees to backstop any potential liability of Rio's under Rio/Gravity Corpus terminalling agreement (preference for Rio to assign to GCAC with Vitol guaranteeing credit to Gravity/new buyer; prior to assignment, continues as operating today)

GCAC/Asphalt

- Vitol provides credit/provides cash for 100% of all GCAC inventory purchases
- Vitol provides 100% receivables financing for all wholesale and retail asphalt sales
- Vitol provides capital for all terminalling fees (Corpus and Mobile)
- For inventory, receivables, & terminalling fees capital, interest rate of [x]% TBD

GCAC/Non-Asphalt Products

- Vitol provides credit/provides cash for 100% of all GCAC inventory purchases
- Vitol provides 100% receivables financing for all wholesale and retail asphalt sales
- All capital priced at Vitol TVM
- Profits net of allocable costs (TBD) split 50/50

Message

From: Chris Bake [cpb@Vitol.com]
Sent: 9/27/2017 1:54:46 PM
To: Eric Kuo [ejk@Vitol.com]
Subject: RE: Draft term sheet GCAC

This is a JV that you run isn't it?

Obviously does not help the cause if they are bidding internationally with our support as we try and piece a deal together!

They know the constraints we are operating under....

From: Eric Kuo

Sent: 27 September 2017 14:35

To: Nick Fay; Andy Parsons; Guillaume Quiviger; Daniel Sargeant; Chris Bake

Cc: Roberto Finocchi

Subject: RE: Draft term sheet GCAC

I don't know, would have to ask them

From: Nick Fay

Sent: Wednesday, September 27, 2017 05:26 AM

To: Eric Kuo; Andy Parsons; Guillaume Quiviger; Daniel Sargeant; Chris Bake

Cc: Roberto Finocchi

Subject: RE: Draft term sheet GCAC

Thanks Eric, what is the blend margin on this deal?

From: Eric Kuo

Sent: 25 September 2017 15:18

To: Nick Fay; Andy Parsons; Guillaume Quiviger; Daniel Sargeant; Chris Bake

Cc: Roberto Finocchi

Subject: RE: Draft term sheet GCAC

We would be doing the hedging, correct,

From: Nick Fay

Sent: Monday, September 25, 2017 08:18 AM

To: Andy Parsons; Guillaume Quiviger; Daniel Sargeant; Chris Bake; Eric Kuo

Cc: Roberto Finocchi

Subject: FW: Draft term sheet GCAC

Gents this is our indication to GCAC for term supply from the JV to VALT. Non term volumes to be shown on a first look + last look basis to VALT. Verbally we have said we need them to leave CIF sales to VALT and George Grace should leave.

On Friday GCAC were awarded 5 cargoes CIF Oct-Feb by Chevron for Panama, apparently they were not the best bid but gave better credit terms!!. Their offer was brent crude formula based....presumably price risk is being handled by VIC, Eric?

This was not how we hoped things would work as you can imagine but for now willing to let it go and see if there is any upside to work together on the freight for Panama and a wider deal that adds value to VALT.

From: Daniel Sargeant Sent: 13 October 2017 18:11

To: Chris Bake

Cc: Guillaume Quiviger; Nick Fay; Eric Kuo; Steve Barth; Roberto Finocchi; Harry Sr.

Subject: FW: Draft term sheet GCAC

Chris,

Monday will be 3 weeks since we made a more than fair offer to GCAC on a solution for all parties to move forward with GCAC. We have tried pursuing multiple opportunities (Panama, Ship financing, and now the below supply agreement), without success to date. The latest failure to get a deal through in my mind demonstrates a lack of commitment from their side to make things work.

At the same time employees of GCAC such as George Grace are actively pursuing a time charter of an asphalt vessel on behalf of Vitol (after declining Valt support) to trade in the Caribbean in direct competition to Valt. It is clear they have no desire to work with Valt.

At this point I would ask that the Vitol/GCAC relationship be terminated immediately to avoid any further conflicts, and I would refer you to the Valt shareholder agreement non-compete clause.

Best Regards,

Dan

From: Roberto Finocchi

Sent: 25 September 2017 13:40 To: Arthur Brass; Patrick Perugini Cc: Daniel Sargeant; Nick Fay Subject: Draft term sheet GCAC

AJ and Patrick,

We propose the following supply contract. Probably better to meet to discuss the multiple open items.

Seller:

Gulf Coast Asphalt Corporation (GCAC)

Buyer:

VALT Asphalt Sarl

40,000 – 70,000 barrels per month to be discussed. Monthly volume

may be accumulated for larger shipments.

Quality: PG 64-22 or PG 67-22 as per ASHTOO M320 or AC-30, AC-20 as per ASTM D-3381 Table 2 or Pen 60/70 or Pen 35-50 as per ASTM D946 table 2. Buyer may nominate any other grade or specialty grade subject to confirmation by Seller.

Origin:

Mobile, AL. Alternatively Corpus Christi, TX subject to Buyer's

acceptance.

Q&Q determination: LOAD PORT - SHORE TANKS

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Message

From:

Steve Barth [SZB@Vitol.com]

Sent:

5/9/2017 8:52:10 PM

To:

Michael F. Chambers [mfc@Vitol.com]; Aaron Byrd [abs@Vitol.com]

Subject:

FW: USGC Asphalt

Doesn't pertain directly to the bid on Gravity but is certainly related. Per our earlier discussion, what I didn't mention when we discussed GCAC/Rio, we are trying to take Rio out of the relationship. Per the reasons mentioned below.

Steve

From: Chris Bake

Sent: Tuesday, May 09, 2017 11:13 AM

To: Steve Barth

Cc: Eric Kuo; Mike Loya Subject: Re: USGC Asphalt

Thanks for the heads up

On the road but will give you guys a call later today

On 9 May 2017, at 01:44, Steve Barth < SZB@Vitol.com > wrote:

Chris,

In addition to Eric's note below, wanted you to be aware that we have been in discussions regarding either the use of, or the possible acquisition of, the Gravity terminal for quite some time and it now finally seems to be coming to a point of transition. As I'm sure you're aware, and as Eric mentioned, we walked on this deal the last time because GCAC was looking at being a competitive supplier to VALT in certain regions and this was obviously not advantageous to our newly emerging initiative. That has changed in that this entity is no longer seeking to export, but in fact is now focused on blending and local distribution and is actually supplying to VALT. I know they've (VALT) loaded a couple of cargoes out of Mobile recently. With Vitol as an owner, we would be benefitting from both the blending and retail supply side as well as via the international wholesale supply to VALT.

We have just received the initial information from the bank representing Gravity in the sale of the entire asset. We will be engaging in that review and developing an offer that will be submitted in the next few weeks. I think it would serve us well to be in a control position relative to the GCAC/RIO lease from Gravity as we move into that negotiation. With that in place, it will make it more difficult for other parties to make a meaningful bid.

Would like to discuss ASAP as this is all in motion at this time.

Regards,

Steve

From: Eric Kuo

Sent: Monday, May 08, 2017 09:27 AM

To: Steve Barth

Subject: FW: USGC Asphalt

From: Eric Kuo

Sent: Wednesday, May 03, 2017 05:22 PM

To: Chris Bake **Cc:** Mike Loya

Subject: USGC Asphalt

Hi Chris,

I spoke with Mike briefly this afternoon about an Asphalt opportunity that has resurfaced again after a couple years. As you may remember, we spoke about this venture a couple years ago but with the Sargeant acquisition we tabled the discussion and GCAC partnered with Rio Energy. In short, Rio's management are keen on getting out of the business due to the risk associated with Asphalt pricing and its lack of a hedging mechanism and are trying to sell their interest. This currently involves the blending of vtb's to finished spec in both Corpus and Mobile along with a take or pay rack system in CC. This would proceed even without the purchase of the Gravity refinery.

I am interested in this for a couple reasons:

- It would give us more exposure to the vtb market into fuel oil when asphalt is weak or out of season
- The Coker feed market will at times be stronger than asphalt and we currently try and supply this market
- With the 2020 0.5%S bunkers there could be an interesting opportunity buying low sulfur fuel or st run from FHR Corpus and supplying their coker with vtb's

PNL wise they think this is a \$5-15M a yr business with interesting optionality especially with the closure of the Axion refinery on the East Coast.

Happy to discuss this further and go through numbers but I think this is something Vitol as a company should take a good look at.

Thanks, Eric

Message

From:

Steve Barth [SZB@Vitol.com]

Sent:

7/31/2017 1:30:30 PM

To:

Eric Kuo [ejk@Vitol.com]

Subject:

Re: GCAC Telcon. Can we do ealry houston AM?

Yes.

Sent from my iPhone

On Jul 31, 2017, at 8:29 AM, Eric Kuo <ejk@Vitol.com> wrote:

Can you call in?

From: Guillaume Quiviger

Sent: Monday, July 31, 2017 08:28 AM **To:** Chris Bake; Eric Kuo; Nick Fay

Cc: Steve Barth; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Lets use the following for the call in 5 min.

Participant code: 7286 2592 Guillaume's code: 660 90 308

Number:

UK: 0800 121 4136

Other countries listed below

Country	Toll-free number	International/Local
Belgium	0 80 08 05 91	+32 (0) 22 00 83 40
France	08 05 54 00 41	+33 (0) 1 57 32 35 62
Germany	08006 648877	+49 (0) 6951 709852
Italy	800928319	+39 0291483363
Netherlands	08000292068	+31 (0) 202061578
New Zealand	508046192	+64 (0) 99164968
Norway	80083963	+47 24159930
Saudi Arabia	8008447554	
Singapore	180 0622 1531	+65 6622 1396
South Africa	800167123	+27 (0) 214273062
Switzerland	080 000 14 85	+41 (0) 44 511 83 29
United Arab Emirates	80004417582	
United Kingdom	080 0121 4136	+44 (0) 20 7819 1800
		+44 (0) 84 4335 0993 (Not accessible from all
United Kingdom		non UK service providers)
United States	1866 341 9164	+1 212 444 0587 (East coast)
United States		+1 408 916 9097 (West coast)

From: Chris Bake Sent: 31 July 2017 13:34 To: Eric Kuo; Nick Fay

Cc: Steve Barth; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Shall we say 8.30 CET

From: Eric Kuo

Sent: 31 July 2017 13:25

To: Nick Fay

Cc: Steve Barth; Chris Bake; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: Re: GCAC Telcon. Can we do ealry houston AM?

I'm available at 8:15am CST

On Jul 31, 2017, at 6:35 AM, Nick Fay <nfay@valtasphalt.com> wrote:

Morning Eric and Steve,

Would you both be available for a call early this morning with Chris Bake and our team. As soon after 2pm UK as you can manage would be good as Chris has to leave mid afternoon.

We are considering the following 3 options, with few comments /issues listed below that occur to me.

- 1) <!--[if !supportLists]--><!--[endif]-->How much adaptation of the agreement that you have made do VALT need to make in order to step in and work the JV with VIC fuel and GCAC.
 - a. <!--[if !supportLists]--><!--[endif]-->Would GCAC accept material changes to the agreement
 - b. <!--[if !supportLists]--><!--[endif]-->Newco team would have to change, George Grace or any other asphalt trader cannot be part of it
 - c. <!--[if !supportLists]--><!--[endif]-->What role does AJ intend to play in this JV?
 - d. <!--[if !supportLists]--><!--[endif]-->How does VALT finance the \$10-15m working capital
 - e. <!--[if !supportLists]--><!--[endif]-->Do we have Eric's support to run the fuel side with Roberto looking at Asphalt?
- 2) <!--[if !supportLists]--><!--[endif]-->If we leave JV to run more or less as proposed can VALT have a preferred or sole offtaker role at a price that's attractive
 - a. <!--[if !supportLists]--><!--[endif]-->What volume and how rateable would that be
 - b. <!--[if !supportLists]--><!--[endif]-->What would price be, formula, last look, other?
 - c. <!--[if !supportLists]--><!--[endif]-->How do we ensure this supply arrangement is collaborative when financial interests of VALT and JV are not aligned.
 - d. <!--[if !supportLists]--><!--[endif]-->How do we manage the presence of the VIC/GCAC JV and VALT in USGC asphalt market wrt other players.

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- e. <!--[if !supportLists]--><!--[endif]-->Where does the asphalt P+L of JV go?
- 3) <!--[if !supportLists]--><!--[endif]-->Exit and close the JV completely.
 - a. <!--[if !supportLists]--><!--[endif]-->Is this still an option?.
 - b. <!--[if !supportLists]--><!--[endif]-->What trades have been concluded so far.
 - c. <!--[if !supportLists]--><!--[endif]-->Has any Asphalt been sold yet at rack of FCA by VIC?

Nick Fay
as instructed by VALT SAGL
<image001.png>
D. +44 207 973 4280
C. +44 7764 166310
E. nfay@valtasphalt.com
www.valtasphalt.com

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Message

From: Sent:

To:

Eric Kuo [ejk@Vitol.com] 7/31/2017 2:56:21 PM Steve Barth [SZB@Vitol.com]

Subject:

RE: USGC Asphalt

That's what I gathered from his email.

Hopefully we can find an amicable solution for all parties. Hard to imagine we can't...

From: Steve Barth

Sent: Monday, July 31, 2017 09:54 AM

To: Eric Kuo

Subject: FW: USGC Asphalt

Had a brief call with Chris after our con call. His note below is indicative of where he is at this point...wants resolution and fortunately, is basically taking the responsibility for the situation.

From: Chris Bake

Sent: Monday, July 31, 2017 09:31 AM

To: Eric Kuo; Steve Barth

Cc: Mike Loya

Subject: RE: USGC Asphalt

Thank you both for your time this am.

As agreed we trying to cajole Dan into a discussion with AJ, and find a way forward

Aside from having one face to the market as far as Bitumen selling goes, we have to cross a few other bridges like competing with the likes of Valero on rack sales which precludes us from buying bulk from them for Central America etc... I think that all possible, but there will need to be parameters agreed.

I really regret that when I received your heads up below Eric on the proposition below that I did not go back and discuss more proactively with you the extent of the Vitol involvement on the Bitumen side, anyway we are where we are and we need to try and find a way to make this work.

From: Eric Kuo

Sent: 03 May 2017 23:22

To: Chris Bake **Cc:** Mike Loya

Subject: USGC Asphalt

Hi Chris,

I spoke with Mike briefly this afternoon about an Asphalt opportunity that has resurfaced again after a couple years. As you may remember, we spoke about this venture a couple years ago but with the Sargeant acquisition we tabled the discussion and GCAC partnered with Rio Energy. In short, Rio's management are keen on getting out of the business due to the risk associated with Asphalt pricing and its lack of a hedging mechanism and are trying to sell their interest. This currently involves the blending of vtb's to finished spec in both Corpus and Mobile along with a take or pay rack system in CC. This would proceed even without the purchase of the Gravity refinery.

I am interested in this for a couple reasons:

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- It would give us more exposure to the vtb market into fuel oil when asphalt is weak or out of season
- The Coker feed market will at times be stronger than asphalt and we currently try and supply this market
- With the 2020 0.5%S bunkers there could be an interesting opportunity buying low sulfur fuel or st run from FHR Corpus and supplying their coker with vtb's

PNL wise they think this is a \$5-15M a yr business with interesting optionality especially with the closure of the Axion refinery on the East Coast.

Happy to discuss this further and go through numbers but I think this is something Vitol as a company should take a good look at.

Thanks, Eric

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Message

From: Sent: Eric Kuo [ejk@Vitol.com] 8/17/2017 6:48:39 PM Max Bulk [msb@Vitol.com]

To: Subject:

RE: GCAC/VIC/ VALT

Nope

From: Max Bulk

Sent: Thursday, August 17, 2017 01:48 PM

To: Eric Kuo

Subject: RE: GCAC/VIC/ VALT

Good times.

He ever respond to your last note?

From: Eric Kuo

Sent: Thursday, August 17, 2017 11:29 AM

To: Max Bulk

Subject: FW: GCAC/VIC/ VALT

From: Eric Kuo

Sent: Thursday, August 10, 2017 11:29 AM

To: Nick Fay

Cc: Andy Parsons; Chris Bake; Steve Barth

Subject: FW: GCAC/VIC/ VALT

Nick,

I am a bit taken aback at your comments below and disagree with your characterization of my actions. From the beginning there was never any intention to harm Vitol or VALT but more of a compliment to the fuels business. I'm open to discuss any and all concerns you have. In the end Vitol is following VALT's lead on this deal and is happy to provide US-based support if VALT wants to go forward with GCAC.

From: Nick Fay

Sent: Thursday, August 10, 2017 05:49 AM

To: Eric Kuo

Cc: Andy Parsons; Chris Bake Subject: GCAC/VIC/ VALT

Eric,

As you know there have been some meetings in Montreal at Al between the teams on tues and weds this week. I am waiting for a full update when Dan gets in tomorrow. However from brief telcon I know the following:

• The forward econs remain unclear, Rio/GCAC have made no money for last 2.5 years, we need to do some more work on that —I asked you and Steve Barth for comment on these on Monday 7th. Pls can you respond

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- GCAC advise they were specifically instructed by VIC to <u>not discuss this deal</u> with VALT in the deal build up prior July 13th – pls explain why
- The whole market is talking about your deal and how it was done behind the back of VALT. It was an uncomfortable AI for the VALT team and esp for Dan.
- GCAC are trying to sell bbls onto the USEC in direct competition with VALT
- At a personal level, you have failed to be straight with me at every stage of this process. On top as the Vitol guy
 in the VALT JV. I have been having to apologise repeatedly as the details of how you have deliberately bypassed
 my team have come to light.
- From the above you can appreciate there is a huge amount of trust internally and externally that needs to be restored to make this a workable deal

We will come back with a final view shortly but as you can see I am pessimistic anything profitable or workable can come from this.

As a Vitol shareholder I sincerely hope there will not be damages for VIC on exit as you have repeatedly assured us that no deal was signed.

From: Eric Kuo

Sent: 09 August 2017 22:40

To: Nick Fay

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Nick, have there been any new developments? I'm fielding multiple calls from Rio and GCAC daily with both companies almost getting into panic mode. Not sure if they want to dissolve this all together or not but feels like sometime extreme is going to happen soon. Meaning they will just walk away and do this with another party and VIC will be forced to pay some of the damages.

From: Nick Fay

Sent: Tuesday, August 01, 2017 01:15 PM

To: Eric Kuo

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Ok not sure how to advise you here as whilst we want to make something work it's all down to the people now and that's hard to call.

On 1 August 2017 at 18:34:05 BST, Eric Kuo < ejk@Vitol.com > wrote:

They want us to pay storage invoices, some other misc costs and I'm trying to push them off until we get some clarity on direction.

I think you can def get flow and/or term supply at attractive pricing. That was always the objective.

Nothing from Aj/Patrick, they keep asking me where things stand.

From: Nick Fay

Sent: Tuesday, August 01, 2017 12:23 PM

To: Eric Kuo

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Dan has reached out to AJ and outlined that we see the 3 options below. AJ was very keen to work with VALT to avoid no 3!

We have sent him a list of the info we require and waiting for the output. If we can come out of this with flow at attractive price and limited downside then can see a good outcome. Devil will be in the detail of course with AJ. Dan is in Qatar now and will be in Montreal on Monday and will see AJ and Patrick with Roberto.

What are the loose ends? What are you hearing from AJ/Patrick?

From: Eric Kuo

Sent: 01 August 2017 18:09

To: Nick Fay

Subject: RE: GCAC Telcon. Can we do ealry houston AM?

Nick, any idea which way you guys are leaning on this? Bunch of loose ends on our side and looking for some direction from you to decide how we proceed with current items. Thanks

From: Nick Fay

Sent: Monday, July 31, 2017 06:36 AM

To: Eric Kuo: Steve Barth

Cc: Chris Bake; Guillaume Quiviger; Daniel Sargeant; Roberto Finocchi; Andy Parsons

Subject: GCAC Telcon. Can we do ealry houston AM?

Morning Eric and Steve,

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Would you both be available for a call early this morning with Chris Bake and our team. As soon after 2pm UK as you can manage would be good as Chris has to leave mid afternoon.

We are considering the following 3 options, with few comments /issues listed below that occur to me.

- 1. How much adaptation of the agreement that you have made do VALT need to make in order to step in and work the JV with VIC fuel and GCAC.
 - 1. Would GCAC accept material changes to the agreement
 - 2. Newco team would have to change, George Grace or any other asphalt trader cannot be part of it
 - 3. What role does AJ intend to play in this JV?
 - 4. How does VALT finance the \$10-15m working capital
 - 5. Do we have Eric's support to run the fuel side with Roberto looking at Asphalt?
- 2. If we leave JV to run more or less as proposed can VALT have a preferred or sole offtaker role at a price that's attractive
 - 1. What volume and how rateable would that be
 - 2. What would price be, formula, last look, other?
 - 3. How do we ensure this supply arrangement is collaborative when financial interests of VALT and JV are not aligned.
 - 4. How do we manage the presence of the VIC/GCAC JV and VALT in USGC asphalt market wrt other players.
 - 5. Where does the asphalt P+L of JV go?
- 3. Exit and close the JV completely.
 - 1. Is this still an option?.
 - 2. What trades have been concluded so far.
 - 3. Has any Asphalt been sold yet at rack of FCA by VIC?

Nick Fay

as instructed by VALT SAGL

/\VALT

D. +44 207 973 4280

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Message

From:

Eric Kuo [ejk@Vitol.com] 8/17/2017 5:40:04 PM

Sent:

Ernie Kohnke [ewk@Vitol.com]; Max Bulk [msb@Vitol.com]

To: CC:

Steve Barth [SZB@Vitol.com]

Subject:

RE: Rio-GCAC-Valt

Mine as well

From: Ernie Kohnke

Sent: Thursday, August 17, 2017 12:39 PM

To: Max Bulk

Cc: Steve Barth; Eric Kuo Subject: RE: Rio-GCAC-Valt

My afternoon is open.

From: Max Bulk

Sent: Thursday, August 17, 2017 12:26 PM

To: Ernie Kohnke Cc: Steve Barth; Eric Kuo Subject: RE: Rio-GCAC-Valt

What time can everyone meet?

From: Ernie Kohnke

Sent: Thursday, August 17, 2017 11:23 AM

To: Max Bulk

Cc: Steve Barth; Eric Kuo Subject: Rio-GCAC-Valt

I understand you're speaking with Chris Bake. Please let me know when you would like to discuss next steps and current status among VIC, Rio, and GCAC.

Thanks.

Ernie

Ernie Kohnke

Vital Inc

2925 Richmond Avenue, Suite 1100, Houston, TX 77098

T: +1 713-230-2628 M: +1 713-882-5676 E: ewk@vitol.com

ESTAGE AL

Message

From:

Steve Barth [SZB@Vitol.com]

Sent:

10/25/2017 6:23:04 PM

To: Subject: Chris Bake [cpb@Vitol.com]
Re: Draft term sheet GCAC

Understand.

Sent from my iPhone

On Oct 25, 2017, at 1:04 PM, Chris Bake < cpb@Vitol.com > wrote:

Frankly it had a difficult birth - and a lot of legacy

Don't think anyone covers themselves in glory in this one, but Dan did put out a proposal which AJ sat on for 3 weeks and only responded when I called and said VALT going spastic as GCAC had won a few tenders and George was running round with the estranged brother telling everyone that they were Vitol etc....

From: Steve Barth

Sent: 25 October 2017 18:52

To: Chris Bake

Subject: RE: Draft term sheet GCAC

Disappointing. I've known AJ a long time and this outcome surprises me. However, it will just be good to have it behind us at this point.

From: Chris Bake

Sent: Wednesday, October 25, 2017 12:50 PM

To: Daniel Sargeant

Cc: Guillaume Quiviger; Nick Fay; Eric Kuo; Steve Barth; Roberto Finocchi; Harry Sr.

Subject: RE: Draft term sheet GCAC

Dan,

Since this note there have been various conversations with Houston, there is clear acknowledgement that a commercial deal between GCAC and VALT is unlikely to succeed despite efforts made, and that GCAC want to have a footprint beyond FOB and will keep pushing to try and establish that.

Vitol have advised GCAC that Vitol will not move forward with any form of JV and the current financing arrangement is being wound down in an orderly manner with immediate effect.

From receiving the notice from Vitol, we understand that GCAC have moved forward with Mercuria, and they will likely step into the Corpus tanks and likely also assume the financing role. None of that is unexpected. Understand that is to be finalised by the 15th of November.

Regret that the evolution of this deal has consumed a fair amount of time and attention for all of us, and am frustrated that we were'nt able to bring GCAC to a reasonable commercial settlement.

Thank you for being patient as we tried to make that happen.

Regards

From: Daniel Sargeant **Sent:** 13 October 2017 18:11

To: Chris Bake

Cc: Guillaume Quiviger; Nick Fay; Eric Kuo; Steve Barth; Roberto Finocchi; Harry Sr.

Subject: FW: Draft term sheet GCAC

Chris,

Monday will be 3 weeks since we made a more than fair offer to GCAC on a solution for all parties to move forward with GCAC. We have tried pursuing multiple opportunities (Panama, Ship financing, and now the below supply agreement), without success to date. The latest failure to get a deal through in my mind demonstrates a lack of commitment from their side to make things work.

At the same time employees of GCAC such as George Grace are actively pursuing a time charter of an asphalt vessel on behalf of Vitol (after declining Valt support) to trade in the Caribbean in direct competition to Valt. It is clear they have no desire to work with Valt.

At this point I would ask that the VitoI/GCAC relationship be terminated immediately to avoid any further conflicts, and I would refer you to the Valt shareholder agreement non-compete clause.

Best Regards,

Dan

From: Roberto Finocchi

Sent: 25 September 2017 13:40 To: Arthur Brass; Patrick Perugini Cc: Daniel Sargeant; Nick Fay Subject: Draft term sheet GCAC

AJ and Patrick,

We propose the following supply contract. Probably better to meet to discuss the multiple open items.

Seller:

Gulf Coast Asphalt Corporation (GCAC)

Buyer:

VALT Asphalt Sarl

40,000 – 70,000 barrels per month to be discussed. Monthly volume

may be accumulated for larger shipments.

Quality:

PG 64-22 or PG 67-22 as per ASHTOO M320 or AC-30, AC-20 as per

ASTM D-3381 Table 2 or Pen 60/70 or Pen 35-50 as per ASTM D946 table 2. Buyer may nominate any other grade or specialty grade subject to confirmation by Seller.

Origin:

Mobile, AL. Alternatively Corpus Christi, TX subject to Buyer's

acceptance.

Q&Q determination: LOAD PORT - SHORE TANKS

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Inspection:

50/50

Vessel:

TBN to be approved by GCAC and corresponding terminals in Mobile

and Corpus Christi

Term:

From October 1, 2017 to September 30, 2018.

Laytime:

36 h + 6 hrs NOR

Demurrage:

AS PER C/P.

Price FOB Mobile: Lowest of Poten and Partners mean Gulf Coast/Mid-South Barge under column selling price Asphalt Cement quote from last available Asphalt Weekly Monitor report on B/L date minus US\$20/ST or Poten and Partners Low Gulf Coast/Mid-South Barge under column selling price Asphalt Cement quote from last available Asphalt Weekly Monitor report on B/L date minus US\$10/ST. For cargoes FOB Corpus Christi additional 1 \$/ST discount to be applied to above formulas

In case of two port loading cargoes.... to be discussed

Pricing:

Latest Poten & Partners AWM quote available on B/L date.

Credit terms:

Open credit

Payment:

10 calendar days after BL (BL= 0)

Law:

New York Law. Arbitration under ICC rules

GT&C:

Incoterms 2010 and SHELL

Nomination procedure: open to discussion

By the 10th of previous month, Seller will indicate Buyer, a 10 day laycan, quantities, and grades for product that may be available for the month of lifting.

By the 15th of previous month, Buyer will nominate 10 day tentative loading range(s) and tentative grade or grades and specs for each loading range for the month of liftings. No later than 10 days prior to the first day of the loading range, Buyer will narrowed to a 5 day loading range and will nominate the grade and specifications required and not later than 5 days prior to the first day of the loading range to a three day loading range.

In any given month, GCAC will inform VALT quantity, grades and loading range of cargoes that are still available for sale no later than 10 days prior to the first day of the intented loading range. Valt will confirm to GCAC within 3 days its interest on such cargo after which GCAC may sell the cargoin the open market.

Regards

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Message

From: Mark Hayward [MAH@Vitol.com]

Sent: 10/25/2017 2:31:28 PM Eric Kuo [ejk@Vitol.com] To:

RE: Draft term sheet GCAC Subject:

V good - no point wasting any more time on this it seems

From: Eric Kuo

Sent: 25 October 2017 15:30

To: Mark Hayward

Subject: FW: Draft term sheet GCAC

FYI, had a long chat with Bake this morning. I wasn't sure if the tone of all these emails was his directive or not but in short Chris is going to respond to this and manage Nick best he can.

From: Nick Fay

Sent: Wednesday, October 25, 2017 04:19 AM

To: Eric Kuo

Cc: Steve Barth; Chris Bake; Andy Parsons; Mark Hayward; Guillaume Quiviger

Subject: FW: Draft term sheet GCAC

Morning Eric,

Please could you update me on the timeline to unwind this arrangement. Removing Vital financing and hedging support quickly is a real priority for us as they are competing hard against VALT. It is also complicating our JV management with the Sargeant's as the final para from Dan refers. We have a board meeting early Nov and would like to be able to close the matter.

Thanks

From: Daniel Sargeant Sent: 13 October 2017 18:11

To: Chris Bake

Cc: Guillaume Quiviger; Nick Fay; Eric Kuo; Steve Barth; Roberto Finocchi; Harry Sr.

Subject: FW: Draft term sheet GCAC

Chris,

Monday will be 3 weeks since we made a more than fair offer to GCAC on a solution for all parties to move forward with GCAC. We have tried pursuing multiple opportunities (Panama, Ship financing, and now the below supply agreement), without success to date. The latest failure to get a deal through in my mind demonstrates a lack of commitment from their side to make things work.

At the same time employees of GCAC such as George Grace are actively pursuing a time charter of an asphalt vessel on behalf of Vitol (after declining Valt support) to trade in the Caribbean in direct competition to Valt. It is clear they have no desire to work with Valt.

At this point I would ask that the VitoI/GCAC relationship be terminated immediately to avoid any further conflicts, and I would refer you to the Valt shareholder agreement non-compete clause.

Best Regards,

Dan

From: Roberto Finocchi

Sent: 25 September 2017 13:40 To: Arthur Brass; Patrick Perugini Cc: Daniel Sargeant; Nick Fay **Subject:** Draft term sheet GCAC

AJ and Patrick,

We propose the following supply contract. Probably better to meet to discuss the multiple open items.

Seller:

Gulf Coast Asphalt Corporation (GCAC)

Buyer:

VALT Asphalt Sarl

40,000 – 70,000 barrels per month to be discussed. Monthly volume may be

accumulated for larger shipments.

PG 64-22 or PG 67-22 as per ASHTOO M320 or AC-30, AC-20 as per ASTM D-Quality: 3381 Table 2 or Pen 60/70 or Pen 35-50 as per ASTM D946 table 2. Buyer may nominate any other grade or specialty grade subject to confirmation by Seller.

Origin:

Mobile, AL. Alternatively Corpus Christi, TX subject to Buyer's acceptance.

Q&Q determination:

LOAD PORT - SHORE TANKS

Inspection:

50/50

Vessel:

TBN to be approved by GCAC and corresponding terminals in Mobile and Corpus

Christi

Term:

From October 1, 2017 to September 30, 2018.

Laytime:

36 h + 6 hrs NOR

Demurrage:

AS PER C/P.

Price FOB Mobile: Lowest of Poten and Partners mean Gulf Coast/Mid-South Barge under column selling price Asphalt Cement quote from last available Asphalt Weekly Monitor report on B/L date minus US\$20/ST or Poten and Partners Low Gulf Coast/Mid-South Barge under column selling price Asphalt Cement quote from last available Asphalt Weekly Monitor report on B/L date minus US\$10/ST. For cargoes FOB Corpus Christi additional 1 \$/ST discount to be applied to above formulas

In case of two port loading cargoes... to be discussed

Pricing:

Latest Poten & Partners AWM quote available on B/L date.

Credit terms: Open credit

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Payment:

10 calendar days after BL (BL= 0)

Law:

New York Law. Arbitration under ICC rules

GT&C:

Incoterms 2010 and SHELL

Nomination procedure: open to discussion

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In any given month, GCAC will inform VALT quantity, grades and loading range of cargoes that are still available for sale no later than 10 days prior to the first day of the intented loading range. Valt will confirm to GCAC within 3 days its interest on such cargo after which GCAC may sell the cargoin the open market.

Regards

Case 6:23-cv-00002 Document 8-9 Filed on 03/10/23 in TXSD Page 49 of 100

Message

Bernardette Scambray [bgh@Vitol.com] From:

Sent:

10/25/2017 7:20:44 PM

To:

Bernardette Scambray [bgh@Vitol.com]

Subject:

FW: Reconciliation

Attachments: GCAC-Rio Reconciliation.xlsx; Vitol Recon GCAC-Rio Workbook.xlsx

From: Joe Mattingly [mailto:jmattingly@gcachouston.com]

Sent: Monday, October 02, 2017 02:32 PM

To: Bernardette Scambray

Cc: Patrick Perugini; Kale Krhovjak

Subject: Reconciliation

Bernadette,

Attached there are two files. One is the ongoing GCAC/Rio Reconciliation where GCAC/Rio have been keeping up with all the deals. The second is the Vitol book.

GCAC-Rio Reconciliation - In this file you can see Rio/GCAC's entries for each deal with a corresponding deal #. The highlighted entries are Vitol sale to Rio entries for which I do not see a corresponding entry in Vitol's workbook.

Vitol Recon GCAC-Rio Workbook - This is Vitol's book. I have added a column on the left that corresponds to that entries' place on the GCAC-Rio Reconciliation. Several items of note on this: A) I do not know what deals lines 15, 16, 17, and 20 correspond to. They cumulatively show purchases of 163,000 bbls. B) Lines 31 and 32 appear to me to be the same deal, with Vitol selling bbls twice that it bought in line 9. Likewise, lines 33 and 45 appear to be the same bblls sold twice corresponding to line 21 in the Purchased section.

Most likely I just need walk through the spreadsheet with you but those items jumped out as items to be addressed. Aside from that, you have some volumes that are off due to fewer bbls being loaded than contracted on a number of the deals.

Please feel free to call/email, and let's get together tomorrow if that would be helpful.

Thanks

Joe Mattingly, Jr. Gulf Coast Asphalt Company VP 1990 Post Oak Blvd STE 2400 Houston, TX 77056 m. 713-303-4546 o. 832-426-3312

Patrick Perugini — pperugini@gcachouston.com 713-962-0300

AJ Brass - abrass@gcachouston.com 713-498-7829

Message

 From:
 Mike Ruzek [mrr@Vitol.com]

 Sent:
 12/8/2017 8:36:12 PM

 To:
 Eric Kuo [ejk@Vitol.com]

Subject: FW: GCAC-Rio Reconciliation 11-28.xlsx

Attachments: GCAC-Rio Reconciliation 11-28.xlsx; GCAC Hedge 2007802.xlsx

Just need lots of detail

Volumes, freight, performing barges, dates

I have attached mine as well

We have paid rio for the bulk of these charges that they had been charged

ost Summ	ary				ŀ		
Rio Reference	Vitol Deal	Cost	Amount	Rio Invoice	Backup	Comments	Cast Ty:
PP17-07-701	1844757	Inspection Fee	§587.45	need invoice	Х		INS
PP17-07-702B	1844757	Inspection Fee	\$915.39	need involce	Х		INS
PP17-07-703	1841757	Inspection Fee	\$1,160.90	need invoice	Х		INS
PP17-07-703	1841757	Customs Fee	\$535.00	need invoice	Х	Do we have other VALT exports	OTH
9917-07-703	1841757	Commission Cost	\$6,414.75	need invoice	X		COM
9917-07-7048	1841757	Inspection Fee	\$980.68	need involce	X		INS
PP17-07-708	1841757	Inspection Fee	\$494.38	need involce	Х		INS
9917-07-704	1841757	Inspection Fee	\$1,128.90	need invoice	Х		1745
	1841757	Cargo Insurance (July & Aug) Bank fee	\$4,876.05 \$500.00	need invoice		Need Backup Vitol to reconcile with GCAC*	CIN
PP17-07-001		July Storage - Gravity CC	\$146,032,50	17-07-379	X		TRE
2217-08-001		July Storage - Gravity CC	\$30,000.00	17-08-405	×		TRE
9917-09-001		July Tank Expense - Gravity CC	\$179,715.72	17-09-452	×		TAC
0 == -		July Use or Pay - Gravity CC	\$52,585,55			2-11/1-2	TRE
PP17-03-001		August Storage - Gravity CC	\$176,032,50	17-08-405	Х		TRE
PP17-10-001		August Tank Expense - Gravity CC August Use or Pay - Gravity CC	\$209,658.71 \$81.692.45	17-10-500	Х	Rio involced this \$171,660.11	TAC
PP17-09-001		September Storage - Gravity CC September Tank Expense - Gravity CC September Use or Pay - Gravity CC	\$176,032.50 \$154,294.86 \$84,762.45	17-09-452	Х		TRE TAC TRE
9917-10-001		October Storage - Gravity CC October Storage - Gravity CC	\$146,032.50 \$39,000.00	17-10-500	X		TRE
		October Tank Expense - Gravity CC October Use or Pay - Gravity CC	\$180,333.74 \$75,259.80		х	1100	TAC
		TVM	\$92,985.35				
			\$1,832,906.13	Due Rio for Exp	ens	es	

From: Joe Mattingly [mailto:jmattingly@gcachouston.com]

Sent: Tuesday, November 28, 2017 04:09 PM

To: Mike Ruzek

Subject: GCAC-Rio Reconciliation 11-28.xlsx

Case 6:23-cv-00002 Document 8-9 Filed on 03/10/23 in TXSD Page 55 of 100

Message

From: Mike Ruzek [mrr@Vitol.com]

Sent: 2/13/2018 2:55:06 PM

To: Bernardette Scambray [bgh@Vitol.com]; Lance Abernathy [lra@Vitol.com]

Subject: GCAC

Attachments: GCAC Hedge 2007802.xlsx; GCAC 2nd Pass Settlement.xlsx

In case I don't make it in one of these days

Mike Ruzek

Vitol Inc.

2925 Richmond Ave., 11th Floor, Houston, TX 77098

T: +1 713-230-1068 M: +1 713-305-2037 E: mrr@vitol.com



From: Arthur Brass <ai@abrass.com > Sent: Friday, April 13, 2018 5:59 PM

To: Eric Kuo < ejk@Vitol.com>

Subject: Vitol / GCAC

FOR SETTLEMENT PURPOSES ONLY UNDER THE FEDERAL RULES OF CIVIL PROCEDURE

Regarding our commercial relationship which began on July 1, 2017, GCAC and Vitol (each a "Party" and together, the "Parties") have disagreements regarding amounts of monies owed by Parties and timing payment of amounts owed. Either Party may or may not have additional rights or claims. The following outlines a non-binding, settlement proposal for discussion purposes only. Each Party has previously agreed verbally that any settlement discussions shall not be used against the other Party. Moreover, neither Party waives any rights it may have, each Party reserves all of its rights and remedies and may assert any such rights or remedies at any time or from time to time.

With this said, GCAC proposes to settle by paying Vitol a sum of money of \$14.9 million, equal to the true-up figure that Vitol has proposed to GCAC. By agreeing settle at this amount:

- GCAC would not contest the Vitol proposed \$14.9 million, which GCAC believes is overstated by millions of dollars;
- GCAC would agree to acknowledge and document sums due, thereby eliminating challenges and uncertainty around amounts a Party may owe another Party; and
- As part of a mutual release of all other rights or claims, GCAC would relinquish any claims against Vitol, which may include, but are not limited to, breach of contract claims.

Further by agreeing to our proposal below, we will be highly motivated to pay the amounts agreed to as quickly as possible. If agreed upon, it would be our goal to make payments as soon as possible, and we are prepared to offer punitive interest penalties the longer it takes GCAC to make such payments.

All payments would be due within three years of date of the settlement agreement. Parties would add a simple interest rate to the agreed upon amount (\$14.9 million) equal to 6% from date of agreement until the end of the third month after agreement, 9% from the end of the start of the fourth month after agreement until the end of the first year of the agreement, 12% during the second year of the agreement, and 20% during the third year of the agreement. Our intention is to create a structure that motivates the repayment of amounts as soon as possible.

Parties would need to discuss appropriate documentation for such agreement.

Please let me know your thoughts on this proposal at your earliest convenience.

\$1,236,204.00 ACCOUNT#: 4861-505717 Page 1 of 2 854810489 **70ID IF OVER US \$ 1,236,204.00** NON-NEGOTIABLE March 25, 2021 **One Million Two Hundred Thirty-Six Thousand Two Hundred Four and 00/100 -US Dollars ** Case 21-06006 Documer ASHPRICHERSON 04/18/22 NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST, STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION AND REISSUANCE, AS A CONDITION TO CANCELLATION AND REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND. PAY TO THE ORDER OF ***WALKER AND PATTERSON PC*** HOUSTON, TX 77007 FOR INQUIRIES CALL (480) 394-3122 CATHERINE BRASS CATHERINE BRASS u562669 tx004708 Electronic Item(s) 11-24 WELLS FARGO BANK, N.A. 5650 MEMORIAL DR Purchaser Account: Funding Source: Payee Address: Office AU # Operator I.D.: 0068548 Purchaser:

Purchaser Copy

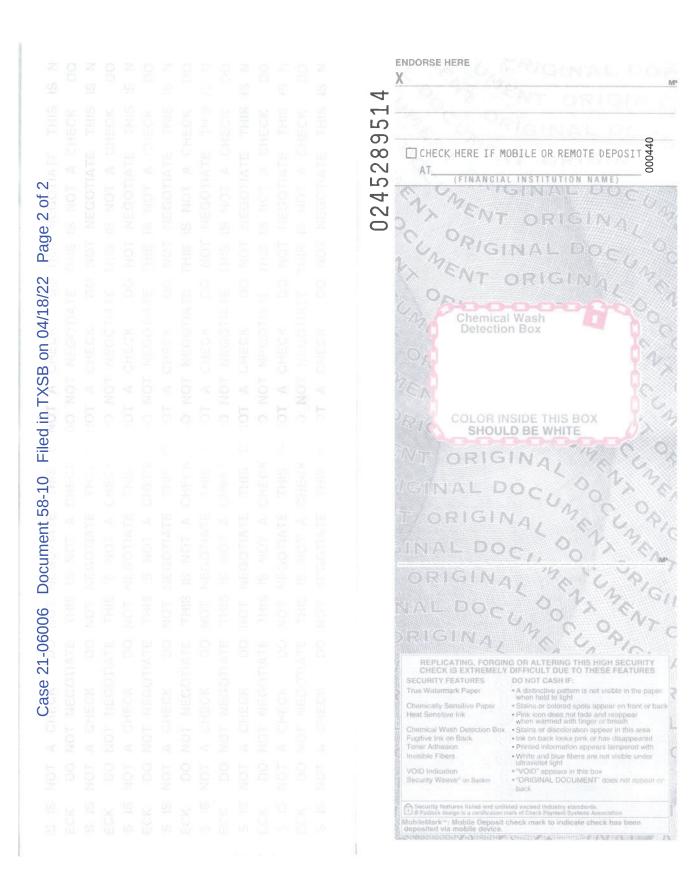
FB004 (10/19) M4203 00285303

\$1,236,204.00* OID IF OVER US \$ 3,236,204 March 25, 2021 6854810489 PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK **One Million Two Hundred Thirty-Six Thousand Two Hundred Four and 00/100 -US Dollars ** CASHIER'S CHECK *WALKER AND PATTERSON PC*** WELLS FARGO BANK, N.A. 5650 MEMORIAL DR HOUSTON, TX 77007 FOR INQUIRIES CALL (480) 394-3122 CATHERINE BRASS u562669 tx004708 PAY TO THE ORDER OF 1210(8) Payee Address; Office AU # 0068548 Operator LD. Remitter

Security Features included 🕒 Details on Back

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to hurry.	fou around?	də	know you're on vaca but do you have 2 min to discuss a trade we're working on?	No worries Enjoy and Read call whenever convienient	Free?	Free if u are	Don't want to intrude.	Not getting any response from credit guys. Am I doing this right?	Talked to them Think we're on nght track
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+17134967829 Let me know if you AJ Brass have 1 sec.	Need a little bit, out on the water	Sure, Cleared credit, just want to make sure you are cool w a couple deals	Whenever	Hey bud. Give me a shout Thx.	Hey Welcome home Have a little time tomorrow to get together?	Sure	+17134987829 U name the time. AJ Brass	Also, we will need to generate a contract for sale to Tranio in DR Unless I didn't see it	+17134921911 Ithought we put one Eric Hubby Kuo in
+17134987829 AJ Brass	+17134921911 Need a little Enc Hubby Kuo on the water	+17134987829 AJ Brass	+17134987829 AJ Brass	+17134987829 AJ Brass	+17134987829 AJ Brass	+17134921911 Eric Hubby Kuo	+17134987829 AJ Brass	+17134987829 AJ Brass	+17134921911 Eric Hubby Kuo
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+17134967829 I have asked for it AJ Brass twice but haven't seen draft Who should I be communicating w/7	+17134987829 Hey, Let me know AJ Brass when u have a sec.	Ok, call you in 5	Sure. I'm in dr office waiting room so if I miss you will call back asap.	Hey. Did you talk to Valt?	fes, wasn't the easiest	Vant to chat?	Will call shortly	¥	in your lobby
+17134987829 P	+17134987829 H	+17134921911 Ok, call you in 5 Eric Hubby Kuo	+17134987829 AJ Brass	+17134987829 AJ Brass	+17/3492/1911 Yes, wasn't the Enc Hubby Kuo easiest	+17134967829 Want to chat? AJ Brass	+17134921911 Will call shortly Eric Hubby Kuo	+17134987829 AJ Brass	+17134987829 In your lobby AJ Brass
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+17134921911 How much under fuel Enc Hubby Kuo is asphalt currently?	+17139620300 -3 to 4 Patrick Perugin	+17134921911 Can you tell me the Enc Hubby Kuo total volume we have in tank in both terminals?	+17139620300 Sent you email with Patrick Perugini Inventones	+17134921911 Got it Eric Hubby Kuo	+17134921911 Hey, you need me? Eric Hubby Kuo	+17134987829 Just touching base. AJ Brass Call whenever convenient	+17134921911 Have the storage Eric Hubby Kuo payments processing	+17134987829 You're a stud AJ Brass	+17134921911 Hardly Eric Hubby Kuo
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Read	Sent	Read	Read		Sent	Read	Read	Sent	Read
If we want to get a couple customers set up, should i just email you?	fes, need w9's	Even for foreign co's right?	Hey. Acct people are asking me if those invoices should get paid today. Don't want to bother u on vac, anyone on your with the paid road follow up with	Thx.	'll Inquire	ТҺх	417134987829 assume Gunvor is in Read AJ Brass your system correct?	Yes	Ok. Thx. Working on a FOB sale to them.
+17134967829 II	+17134921911 Yes, need w9's Eric Hubby Kuo	+17134987829 E AJ Brass	+17134967629 PAJ Brass		+17134921911 I'll Inquire Eric Hubby Kuo	+17134987829 Thx AJ Brass	+17134987829 AJ Brass	+17134921911 Eric Hubby Kuo	+17134987829 OK Thx. AJ Brass Working sale to the
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Did you get an update. Read on that Invoice payment?	Just FYI, offering 2 cargos both about 30 - 35 fob. 1 to Gurwor and 1 to General Oil (pre pay).	Showing both at Values about HSFO to HSFO - 1\$	nd, was away	Saw that you called	eed me to call	Not really Working the Gunvor deal and just wanted to make sure you are ok w it.	+17134821911 Yes, think it should be Sent Eric Hubby Kuo fine
+17134987829 AJ Brass	+17134987829 AJ Brass		+17134921911 Sorry Eric Hubby Kuo all day	+17134921011 Eric Hubby Kuo	+17134921911 Youn Eric Hubby Kuo now?	+17134987829 AJ Brass	+17134921911 Yes. Eric Hubby Kuo fine
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ewoods C	Unknown	Unknown	Unknown	Unknown	Untarown	Unknown	Unknown	Unknown
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Agree. Going to try and close it tomorrow. Have 3 others were working. Can update you whenever convenient	You back in US?	Yep	I'm in Montreal tomorrow am to meet w Valt. Want to chat before I go so we're on same page?	+17134921911 Sure. Can we do it Enc Hubby Kuo later this afternoon? I'm out with the kids	Of course. Just let me knaw when is good	I'm good anytime other than 5-6.	+17134821911 How bout after 67 Eric Hubby Kuo	Sure. Just let me know.
+17134987829 Agree. AJ Brass Going 1 if tomo if tomo Can up	+17134987629 You back in US? AJ Brass	+17134921911 Yep Eric Hubby Kuo	+17134967829 AJ Brass	+17134921911 Erīc Hubby Kuo	+17134987829 AJ Brass	+17134987829 AJ Brass	+17134921911 Eric Hubby Kuo	+17134987829 AJ Brass
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Hey We are buying 31 mbs fixed price from shell (need to sell 31mbs of fuel) Sent you email	Let me know if you need anything	And thks	Got it	Patrick Pengini fixed price asphalt from hunt dhut to mobile Noed to hedge if you can I hope you are dry, we have made it so fart!		Ok, will work it
+1/139520300 Hey Patrick Perugini We. mbs shell 31m		+17139620300 And thks Patrick Perugini	+17134921911 Got it Erib Hubby Kuo	+1713920300 Patrick Perugini	+17139620300 Patrick Perugini	+17134921811 OK, will work it Eric Hubby Kuo
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May 19, 2017, 2:49 PM

You free for a call now?

Sure.

May 21, 2017, 2:08 PM

What time tomorrow am works for you?

May 21, 2017, 8:00 PM

Just curious if you still want to get together before office? Or is later better?

Hey, can we get together for lunch? I like to get started early on Mondays

Me 2. That's perfect.

May 22, 2017, 10:41 AM

U bringing Steve?

Let me ask him





iMessage





















May 26, 2017, 11:45 AM

Hey, give me a few will call you back

Sure.

May 26, 2017, 2:07 PM

You still there?

May 26, 2017, 3:10 PM

Yes, call you in an hour or so

Ok. Sounds good

Jun 2, 2017, 10:35 PM

I got the inventories and will make a value recommendation over the weekend for you to review if that's ok?

Sure

Jun 5, 2017, 12:04 PM

Needed a little adl info. Will have for you by EOD























Jun 6, 2017, 3:33 PM

Are we waiting for the redline back from you guys?

Let me check.

Atty are reviewing. Hope to have it back to you tomorrow.

What can we do to help progress on procedures?

Want this to start off smooth.

Think that's it right now

Jun 13, 2017, 3:22 PM

Let me know if you have a sec to chat about the doc.

Now works

Tag. You're it.

Jun 19, 2017, 12:51 PM























Jun 19, 2017, 12:51 PM

Let me know when u have a sec.

Ok, need 10

No hurry.

Jun 26, 2017, 5:14 PM

I know you're on vaca but do you have 2 min to discuss a trade we're working on?

No worries. Enjoy and call whenever convienient.

Jun 26, 2017, 8:12 PM

Free?

Free if u are

Don't want to intrude.

Jun 28, 2017, 2:38 PM

Not getting any response from credit guys. Am I doing this right?























Jun 28, 2017, 2:38 PM

Not getting any response from credit guys. Am I doing this right?

Talked to them. Think we're on right track.

Let me know if you have 1 sec.

Need a little bit, out on the water

Sure.

Cleared credit, just want to make sure you are cool w a couple deals.

Whenever

Jun 30, 2017, 9:23 AM

Hey bud. Give me a shout

Thx.

Jul 10, 2017, 1:29 PM

Hev























Jul 10, 2017, 1:29 PM

Hey

Welcome home.

Have a little time tomorrow to get together?

Sure

U name the time.

Also, we will need to generate a contract for sale to Titanio in DR. Unless I didn't see it.

I thought we put one in

I have asked for it twice but haven't seen draft. Who should I be communicating w/?

Jul 11, 2017, 9:51 AM

Hey. Let me know when u have a sec.

Ok call you in 5











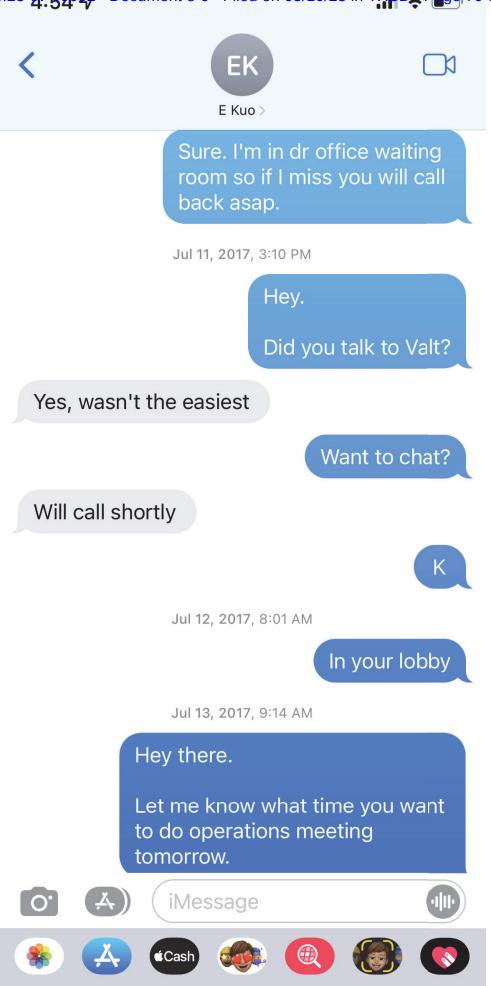














Jul 13, 2017, 12:39 PM

Tried u back.

Jul 17, 2017, 4:08 PM

Hey. Let me know when you have a sec.

Jul 26, 2017, 9:20 AM

What time is ur Valt call?

Jul 26, 2017, 10:42 AM

Had it an hour ago

Will see what they come back with

They seem interested

One question will be personnel

Aug 3, 2017, 10:50 AM

Hey, you need me?

Just touching base.

Call whenever convenient.

























Have the storage payments processing

You're a stud

N

Hardly

I'll tell accounting to be on the lookout

Let me know whenever you want to catch up.

Nothing urgent. Whenever convenient for you.

Aug 3, 2017, 2:49 PM

Hey bud. Want to give you the heads up on a sale were working. Let me know when you have a free second.

Aug 3, 2017, 5:05 PM

Out on a boat, hard to talk

Back tomorrow?











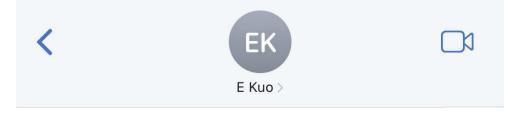












I'm the Bahamas

My sympathy level just dropped a ton.

Ha

If we want to get a couple customers set up, should I just email you?

Yes, need w9's

Even for foreign co's right?

Aug 4, 2017, 8:09 AM

Hey. Acct people are asking me if those invoices should get paid today. Don't want to bother u on vac, anyone on your side I can follow up w/?

Thx.

I'll inquire



















Aug 4, 2017, 11:26 AM

I assume Gunvor is in your system correct?

Yes

Ok. Thx.

Working on a FOB sale to them.

Did you get an update on that invoice payment?

Aug 4, 2017, 1:53 PM

Just FYI, offering 2 cargos both about 30 - 35 fob. 1 to Gunvor and 1 to General Oil (pre pay).

Showing both at Values about HSFO to HSFO - 1\$

Aug 4, 2017, 5:38 PM

Sorry bud, was away all day

Saw that you called

You need me to call now?



























E Kuo >

Not really. Working the Gunvor deal and just wanted to make sure you are ok w it.

Yes, think it should be fine

Agree.

Going to try and close it tomorrow.

Have 3 others were working.

Can update you whenever convenient.

Aug 6, 2017, 1:00 PM

You back in US?

Yep

I'm in Montreal tomorrow am to meet w Valt.

Want to chat before I go so we're on same page?























Sure. Can we do it later this afternoon? I'm out with the kids

Of course.

Just let me know when is good.

I'm good anytime other than 5-6.

How bout after 6?

Sure. Just let me know.

Aug 7, 2017, 7:30 AM

Hey, sorry totally forgot to call yesterday. Have a sec to chat now?

Yup. Call in 5 min

Actually give me 10 if ok

Sure

N

Aug 8, 2017, 11:22 AM

Want to grab lunch today?

























I can't do it today

Ok.

Can you go ahead and process those invoices for me?

They should be done

Great. Thanks.

I can follow up w accounting.

Aug 9, 2017, 6:50 PM

Have a sec?

Aug 9, 2017, 8:01 PM

Have some people over for dinner, urgent?

Just want to make sure you are ok w me selling Sem Mexico?

They issue PG from Sem Materials (public) for credit.

Delivered sale at good price.























Aug 10, 2017, 9:49 AM

Did the sem deal.

30 kb fixed price.

Please buy back hedges to cover that volume.

Thanks!

Hedge on Sep bought at 46.30

Great.

Do you know fill on Gunvor deal from yesterday

46.20



Aug 15, 2017, 11:42 AM











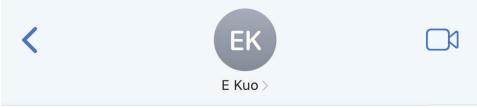












Aug 15, 2017, 11:42 AM

What is your credit guys name again? Tom?

Yes, tom Moran

Thanks

What's his email?

Tam@vitol.com

Thanks. Want to make sure Gunvor SA has credit.

Aug 18, 2017, 10:54 AM

Tried u back.

Aug 18, 2017, 11:59 AM

Don't forget to send Rio deal to me.

Thx.

Aug 19, 2017, 12:47 PM

Hey You see all this Sargeant























Ok. C u there.

Did you want to meet w Mike tomorrow?

























Sure, up to you

We can figure it out this afternoon.

Have you vetted the stuff we talked about?

Which part?

Payout to Rio?

Yes. The short term deal to take them out.

I haven't

Do you need to? Or are you ready to close on that?

We can talk to mike about that

Ok. Let's walk through it this afternoon so we're on same page.

Let me know what time works for Mike tomorrow. I'll make myself











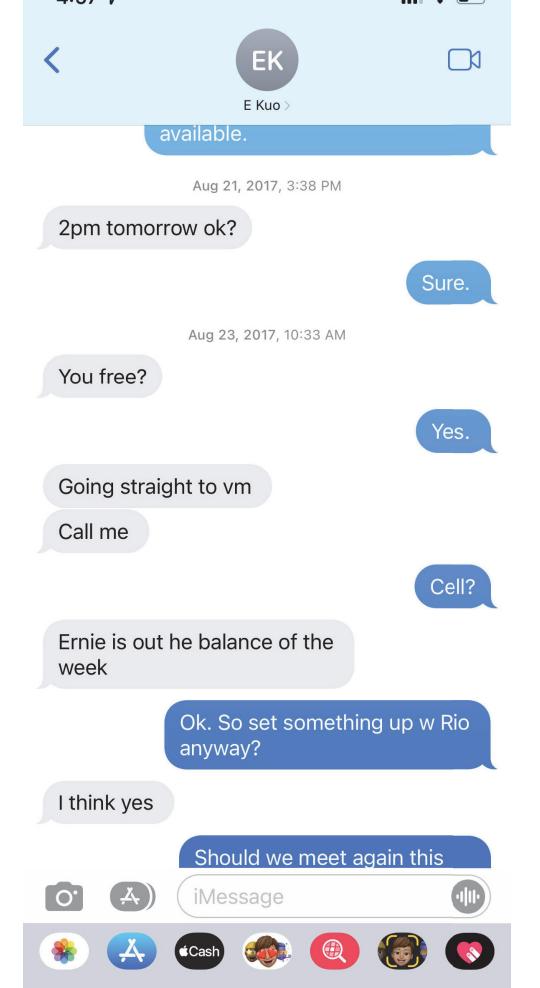


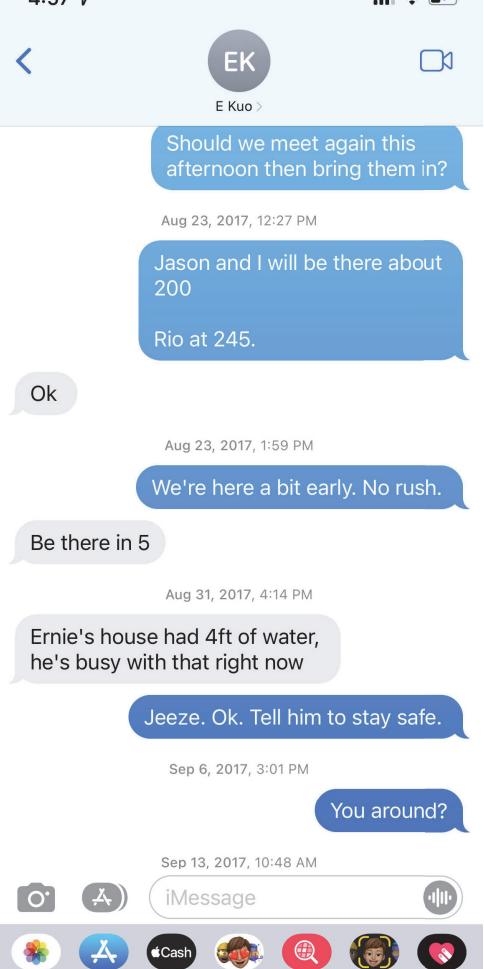














Sep 13, 2017, 10:48 AM

Hey, an word from Dan?

Any

Nope.

Should I be calling him?

Sending roses?

Let me reach out to Chris

Sep 18, 2017, 5:27 PM

Called you back, your vm is full

Sep 19, 2017, 10:29 AM

Give me a shout when you are free

Sure

Give me 5

Sep 19, 2017, 2:42 PM

Supposedly you guys never



























E Kuo >

Sep 19, 2017, 2:42 PM

Supposedly you guys never inquired about a ship from Valt for Dom Rep

Sep 19, 2017, 3:59 PM

Nick called me pretty pissed off

What did you say to them?

Sep 22, 2017, 11:26 AM

Can I call you in 20?

Sure

Hey. Just wanted to pass something by you real quick before I call Dan.

Sep 22, 2017, 4:13 PM

Can I call you in 10, urgent?

No. Whenever you're free is fine.

Sep 28, 2017, 3:28 PM

Darnardatta aan maat toru























Sep 28, 2017, 3:28 PM

Bernardette can meet tmrw before noon

Oct 2, 2017, 1:39 PM

What is Bernadette's extension again?

1030

Thx

Oct 9, 2017, 9:43 AM

You have a sec to chat?

Oct 10, 2017, 9:11 AM

Hey bud.

Sorry I forgot to text you yesterday. Obviously 830 isn't happening. Call you in a bit after I get to chat w/ PP?

Sure

Oct 17, 2017, 12:35 PM























Oct 17, 2017, 12:35 PM

Did you speak with Chris yday?

Got an email that he was going to call me today.

Ok

Oct 17, 2017, 3:40 PM

Speak with him?

No call.

Oct 25, 2017, 10:57 AM

Hey bud. PP said you guys spoke.

Want to meet after close for a quick drink to catch up?

I can't do it today. Tmrw?

I'm out of town Thursday and Friday.

Ok











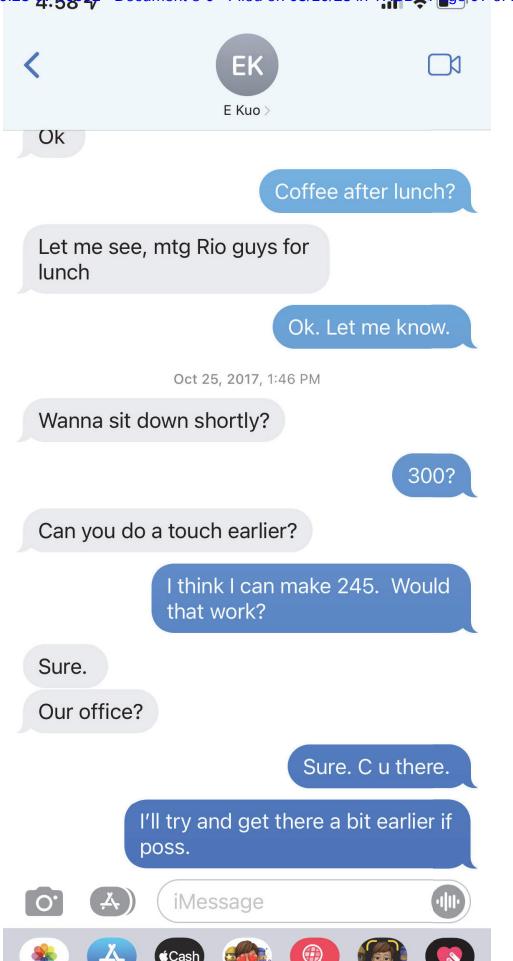




















L Nuo

Think it gets signed next wk?

Dec 7, 2017, 3:21 PM

l do

Dec 7, 2017, 5:27 PM

Our credit guys are saying there is quite a bit of money outstanding due, is that true?

Probably. There's money due both ways but I would guess we owe you more than you owe us right now.

I can check in AM.

Really need to clean this up, it's so messy

Totally. Got good document back from Mercuria so we look pretty good.

Dec 12, 2017, 8:35 AM

Hey...you guys signed?























Merc is circulating primary doc for their internal signoff. We have signed off on it.

This week you think?

I should know all the closing mechanics by end today or tomorrow am.

I'm hoping this week.

If so, id like to transfer everything by early next week latest

Got ya.

It's getting pretty bad over here regarding this

Getting lots of heat

I hear ya. I'll hustle it along as fast as I can. It's all looking good anyway.

Please



















